

**Brooklyn City Council**  
**February 25, 2019 @ 7:00 p.m.**

**Roll Call**

PRESENT: Meg Ryan Shockey, Andy Celcherts, Kathy Pucci, Mary Balbier, Kevin Tanski, Barb Paulitzky.  
ABSENT: Ron Van Kirk (excused)

Pledge of Allegiance.

Opening prayer was offered by Councilwoman Barbara Paulitzky.

**Approval of Minutes**

**MOTION** by Ryan Shockey, second by Tanski to approve the minutes of January 28, 2019. **VOTE:** *To approve:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

**MOTION** by Tanski, second by Ryan Shockey to approve the minutes of February 11, 2019. **VOTE:** *To approve:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

**PUBLIC SESSION:**

*Victor Ardito* of 7439 Outlook Ave. commented about street striping, that there are small glass beads added to the striping for reflective purposes, and it can be quite slick for a motorcyclist. -After Ridge was re-done on Northcliff, heading south to turn left to Northcliff, the lane swerves out to the left, making those turning left from Ridge Park to make a wider left onto Ridge. Asked if that can be corrected. -Years ago the lights near the Library had left turn arrows, and when they replaced the lights quite awhile ago they do not have those, and people don't know the other person has a red.

*Joe Bartoszek* of 4177 Dawnciff Dr. spoke about the trash can code and a neighbor who has complained. Stated he received a notice from the city while on the same day several others on his street had their cans not in backyards. He spoke of the uneasiness of being watched and feels singled out and that the ordinance needs to be enforced citywide and not just from neighbors' calls. He thinks it should be looked at and revised. He's seen 74 houses in the city in violation of this, including city owned property.

**REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Councilwoman Pucci): The Committee met at 6:30 and recommended the following approvals: bid proposal for 2019 Street Striping Program; accepting Community Recycling Awareness Grant (to pay for shredding and printing of violations); Ord. 2018-94, Tobacco 21 legislation, ready for adoption; Ord. 2019-2, the Solid Waste Management Plan; 2019-8 (on 2<sup>nd</sup> reading), Authorizing the Mayor enter into a Service Agreement with Bailey Communications who provides IT services for \$53,040; 2019-10, Authorizes a Community cost-sharing agreement with NEORS D for Telog Early Warning System and Brookpark Rd. Gauge Project (\$6,944). The Finance Dir. gave information and will give it during his report. Have a tentative date of June 3 for 2020 budget mtg. Mayor Gallagher provided a reorganization of Mayor's Court, and said that we received a supplemental grant from the County for the \$50,000 to be used for home maintenance for residents. Dir. Raguz also said one of the employers that came into the former AG project, through a payroll service had their income tax withholding going to Cleveland will be resolved soon, so our numbers won't reflect that collection.

Recreation Board (Councilman Tanski): The Rec Center will be hosting The Oscars Friday night public skate on March 8<sup>th</sup> at 8-9:15 p.m., open to the public. Wear your best Oscar attire. Youth Baseball registration is from March 1-May 6<sup>th</sup>, in person or online at [www.activityreg.com](http://www.activityreg.com) (also for fees and information). Also indicate interest if you would like to be a volunteer coach. 216-635-4284 for more information. The next Rec Board mtg. is March 18<sup>th</sup> at 7 p.m. in the Rec Center mtg. room.

Domestic Abuse Commission (Councilwoman Ryan Shockey): The Comm. is still working on getting posters out to local business, for the public and employees, about types of abuse and resources to help those in these situations. She reached out to the Student Council advisor at the High School to attempt involving students in

a poster making contest. February is Teen Dating Violence Awareness Month. It's important to continue to inform students on what a healthy relationship looks like all year around.

Planning Commission (Mayor Gallagher): The next Commission mtg. is March 7<sup>th</sup> to hear requests from: Benderson Development Co., LLC for site plan approval for a new 10,000 sq. ft. commercial shopping center at 7414 Brookpark (where Best Buy is); Eco-Site for a new cell tower at 3560 Ridge; Zeisler Morgan for a drive-thru facility and patio for Starbucks at 4752 Ridge.

Legislative Update (Councilwoman Balbier): HB62 would provide in an increase in per gallon rates of motor fuel tax and use tax from 28 cents to 46 cents (increase price at gas pump 18 cents/gallon) effective July 1, 2019. The Tax Commissioner is also required to increase the motor fuel excise tax rate annual by the increase in Consumer Price Index (adjusted for inflation), computed by multiplying the 46 cent gasoline tax by the percentage of inflation for previous year, starting in 2020, effective July 1, 2020. Bottom line, in the future we'll be paying 18 cents more/gallon than now, plus the amount it goes up each year to keep up with inflation.

Economic Development Committee (Councilman Celcherts): The Committee met at 6 p.m. this evening: approved Sept. 10, 2018 mtg. minutes; reviewed a Job Retention Creation Grant Agreement application from Premier Development for 4600 Tiedeman (Keystone property) and authorized a solicitation letter (relocation of 125 existing jobs, creation of 15 new over three years, estimated payroll after three years \$6.5M, renovation approx. 56,000 sq. ft. for \$1M, landlord/tenant additional project investment of \$6M (towards IT, moving expenses, furniture, construction, additional inventory, working capital). The City would offer three year not to exceed \$86,000- year 1, 30% total income taxes to City (est. \$41,000), year 2, 20% (est. \$30,000), year 3, 10% (est. \$15,000). Discussed review and approval of Phase 2 of American Road Ext. improvements and approved for south extension and a roadway in. Reviewed proposal for design services for initial schematic and conceptual design images for road improvements along Memphis at the Memphis Industrial Pkwy. (deferred for more information).

School Board Liaison (Councilwoman Ryan Shockey): Feb. 26<sup>th</sup> at 6 p.m. will be a district finance forum at the High School auditorium to discuss school finances and why the May 2019 emergency operating levy will be on the ballot. The Student Council celebrated Random Acts of Kindness Week Feb. 11-15 with a board for posting of encouragement to promote kindness. Kindergarten registration starts March 1. Information on the school website [www.brooklyn.k12.oh.us](http://www.brooklyn.k12.oh.us). March 7<sup>th</sup> weekend is the school play Willy Wonka.

### **REPORTS OF COUNCIL:**

**Meg Ryan Shockey:** She has said she started a group of 40 and under Council people in the county to collaborate and share ideas. They are sending a letter to Gov. DeWine and others to ask that local government officials are viewed as partners in moving Ohio forward and work with them on solutions on Ohio's budget. Councilmembers from 10 area cities are signing this letter. –This Friday she'll speak at the ELGL (Engaging Local Government Leaders) Institute at Cleveland State Univ. to college students about working in local government, and is excited to bring her point of view as a Councilperson. –She's hoping Dir. Verba can answer about the street striping spreadsheet why there was no check off for prevailing wages, and also his take on why there are only two bids. She'd like to ensure we offer fair wages for the difficult, labor intensive work they do.

**Kathy Pucci:** Regarding the comment about material put down on the lines when striping if there's a ratio; and to follow up with Mr. Ardito on it. –Thanked Mr. Bartoszek for speaking, and she spoke to Dir. Kulcsar about this. She understands his situation and his desire to have the law changed (to not put cans back out of site). She doesn't think it will change. She understands he feels singled out because of a complaint. She expressed to him that if there is an inspector there, they should look at other violations others might have. The goal is for everyone to be in compliance. Mr. Bartoszek also mentioned an exemption in the winter. Though she doesn't think that's feasible, she mentioned to Dir. Kulcsar (he agreed) that a situation of a big snow storm or ice, we won't go out of our way to ticket or give warnings (for weather related). –For anyone who has fines on their library card, the library will be holding its annual Food for Fines Drive all March, to remove fines by bringing in one of their particular super food items (\$1 per item, max. of \$4/day). They also

take donations to go directly to the Cleveland Food Bank. –Welcomed the Boy Scouts to the meeting, appreciate everything they do in our community.

**Mary Balbier:** Passed along a comment to Mgr. McGinty she heard about the Rec Center, about how clean and nice it looked, more so than a year ago. She thanked Mgr. McGinty for all she does there. –Thanked all who donated for the school's fundraisers held recently, and supported them; it's important for the students. –Welcomed the Boy Scouts, it's nice to see the young men so active, and to Mr. Kuhr.

**Kevin Tanski:** Welcomed the Boy Scouts. –Adding to the conversation on the garbage cans, asked Dir. Kulcsar if there's any kind of leniency when there is a large amount of snow dumped at once. Asked him to keep that in mind. –Chuckholes on Hurricane Alley are getting deeper. The baseball team is now practicing on the football field, and he's getting numerous calls about it. He knows it's not our responsibility on Hurricane Alley, but asked the Mayor if we could contact the school, or with their financials the way they are, take our hot box there and fill some of the holes. –The on/off ramps on Ridge and 71, asked the Mayor if there are still talks about that.

**Barb Paulitzky:** She attended the Mayor's State of the City address at the February Chamber of Commerce meeting. The Sun Post had a great article on it Feb. 21<sup>st</sup>. –Special shout out to Officer Dan Meadows for taking the Polar Plunge last Saturday to benefit the Special Olympics. She hopes he raised a lot of money for such a good cause. –Doesn't remember winds like yesterday and today anytime in the past, and was lucky her electricity didn't go out, and hopes residents were just as fortunate. –The Laurel Garden Club will host a presentation by Mel Hauser on Making Your Yard Organic at their March 12<sup>th</sup> mtg. in the Fire Station's Community Room. Consider attending, you don't have to be a member. –Taste of Brooklyn is April 6<sup>th</sup>; get tickets from any Chamber member.

**Andy Celcherts:** As mentioned, Willy Wonka is the musical play, March 7, 8, 9. It's always been good stuff, and he highly recommends going to see it. –Regarding trash cans on Dawnclyff, he has spoke with Mr. Bartoszek, and Comm. Kulcsar. The policy has been to be somewhat lenient in the winter months. He thought it was resolved, but it flared up again. The game plan was to canvass the neighborhood and give warning notices to everybody, to be fair. He understands the winter months can be difficult, especially with older people. He agrees that the reason it was put in years ago was for the appearance of the city, and it probably won't change.

#### **MAYOR'S REPORT:**

**Mayor Katie Gallagher:** Thanked Boy Scouts Troop 319 for having her out last Saturday as they participated in them earning their Government badge; with great questions (after some prompting) from them on how our city works. It's vital that young people get involved in their government, and learn the importance of voting; and commends them on their actions and progress towards that. –Thanked Brooklyn Schools for having her out to Right to Read Week; she got to read some books to 1<sup>st</sup> grade class. They do it each year, and invite some of her staff. It's a great way to participate and talk about the importance of reading, and a vital part of every child's development. She commends the school for pushing it during that week. –Thanked her fellow Mayors for selecting her as part of the executive committee of the First Suburbs Consortium. Being added at this time will give Brooklyn a good position as the County is pushing out some housing programs, and being part of the conversation with the other Mayors will play a part in moving Brooklyn forward in housing stock and progress. –Thanked the Westbrooks for hosting her last week and speaking to some residents there. She will be at the Terraces on Wednesday, Feb. 27<sup>th</sup> at 5 p.m. if anyone wants to stop with any questions and hear updates on what's going on in the city. –As was said, Taps Packaging Solutions came to the city for an economic development proposal and incentive package, where Keystone is leaving. As she said when Keystone was leaving, when one door closes another opens, and this is higher payroll than we're seeing at Keystone. Looking forward to a long successful relationship with them, they've been in Cleveland since 1906. As they continue to grow and invest in their business and technology, and we lease the rest of the space in the building, (she's heard from Premier Development they have somebody looking, also in the JD Norman building) it's great to see a lot of movement in Brooklyn right now. –As was mentioned, we were chosen to receive the supplemental grant from the county, but it won't be confirmed until tomorrow. It's great news for our residents. This is for the exterior home maintenance program, offering up to \$3,000 to do exterior maintenance, with parameters. A letter and other information

will come out, along with in our newsletter. The residents we are seeking to help will have a ranking system. She secured an intern from the Cleveland Foundation to help with a ranking system to push it forward (a graduate student), concentrating on homes that have current violations and in current need, and also for those on fixed incomes; they will rank first. She doesn't want people not to apply. We have to expend the \$50,000 from the County. If anyone is interested in it, or anticipating an exterior renovation, or landscape update, look into it. It's our first time offering it, so we don't know how it will go. We hope it helps residents do some improvements to their home. –To Mr. Tanski, nothing has moved forward on the I-71/Ridge Rd. corridor. That measure was taken out by Big Creek Connects when they went to NOACA. There was a similar conversation in the Economic Development mtg., some sort of corridor off 71 entrance. She doesn't know if we'll see NOACA pushing any on/off ramps, with a study they did; they're saying in the region we need less on/off ramps. She hasn't heard much on that since a couple of years ago. –Service Dir. Verba applied for a County Road Preventative Maintenance Reimbursement Program, and the city was awarded around \$33,000. They will do crack sealing to Tiedeman, Ridge, some Clinton Rd. repairs (crack sealing and base repairs). –Trash and recycle bins. She hasn't been in the loop, but Councilman Celcherts forwarded her emails. It's difficult because we live in a small community, with houses pushed together, with some not blessed with long driveways or enough room in backyards, and has to be taken into consideration. But on the flipside, we have to take into consideration what our city looks like. So we can meet in the middle somewhere. Right now we need a conversation between Directors Kulcsar and Verba because there's confusion on who does the violations for the trash cans (it's not really a Bldg. Dept. function). She asked them to address it in their reports.

#### **DIRECTORS REPORTS:**

Finance Dir. Raguz: Presented an overview of the January General Fund financial statement, as was presented to the Finance Dept. Overall, General Fund revenues are 8% of the estimated amounts and up 11% as compared to Jan., 2018. Overall expenses and encumbrances are 4% higher as compared to Jan., 2018. Overall it leaves a fund balance of approximately \$13.7M in the General Fund at the end of January.

Service Dir. Verba: Responded to Councilwoman Ryan Shockey that the job was bid as a prevailing wage job. It was a clerical job that shouldn't have been on the spreadsheet, and at finish of job they'll have to fill out appropriate paperwork to receive payment. –When Comm. Kulcsar gave him the word about the garbage can (it's under his jurisdiction with last year's new ordinance), they went on Dawncliff that day and issued 8-10 warnings to people that didn't have their cans behind their house. If his foreman (who does this) has a busy day he doesn't get to that, especially in the winter. They'll look at it in the future and try to target that street to make sure everyone that has cans not in their back yard are issued a warning. They'll have 24 hours to correct it, and if not, they'll get a ticket, so there is time. But several warnings were issued. Councilwoman Pucci asked when a complaint is received, who looks at the house being complained about. Comm. Kulcsar said it depends on the complaint. They have handled these types of complaints in the past, and it's in the Code for them to cite when doing regular property maintenance inspections. In this case, because it's ongoing, and he's tried to work a solution with Mr. Bartoszek, and he feels singled out because the call is specifically on him, that's why they handled it this way, because he left his cans out again the following time, so they passed it over to Service Dept. to sweep the entire street and warn everyone equally. It was clarified that if a complaint is received again for this particular issue, they will look at the other houses in the area so that it's fair (and understanding of snow.) Dir. Verba said they had another complaint on another street, and swept the street and issued 4-5 warnings on that street.

#### **REQUESTS:**

Request for confirmation of Mayor's appointment of John Patta to the Civil Service Commission, to fill the unexpired term ending 1/24/23 of Larry Hull, who resigned. The Council was provided with his resume. **MOTION** by Pucci, second by Tanski to confirm John Patta's appointment to Civil Service. **VOTE:** To confirm the appointment: Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(CONFIRMED)**

Request for confirmation for Conditional Use for Raising Cane's Restaurant at 5180 Tiedeman Rd. (old Perkins location). **MOTION** by Pucci, second by Celcherts to confirm Conditional Use. **VOTE:** *To confirm the Conditional Use:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(CONFIRMED)**

Request from Service Dir. Verba for approval of bids for the 2019 Street Striping Program. Results were attached. He reviewed and requests acceptance of the lowest bid from A&A Safety, Inc. for \$79,481.48 – not to exceed 10% of the bid price for any necessary change orders. The other bid came in at \$92,345. **MOTION** by Pucci, second by Paulitzky to award the bid to A&A Safety. **VOTE:** *To approve the bid:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(APPROVED)**

Request from Service Dir. Verba to accept a Community Recycling Awareness Grant (as Councilwoman Pucci had described). **MOTION** by Pucci, second by Ryan Shockey to accept the grant. **VOTE:** *To accept the grant:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ACCEPTED)**

### **LEGISLATION:**

**Ord. #2018-94**, Enacting Chapter 729, "Tobacco Product Vendors; Sales to persons Under (Age) 21" of the Codified Ordinances of the City of Brooklyn, and amending conflicting ordinances. **MOTION** by Pucci, second by Ryan Shockey to adopt as amended. **VOTE:** *To adopt, as amended:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None **(ADOPTED, as amended)**

**Ord. #2019-2**, To adopt the Solid Waste Management Plan for the Cuyahoga County Solid Waste District. **MOTION** by Pucci, second by Ryan Shockey to adopt. **VOTE:** *To adopt:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**Ord. #2019-3**, Amending Sect. 151.03 of Chapter 151 of the Codified Ordinances of Brooklyn, Ohio entitled 'Brooklyn Community Improvement Corporation, and approving the formation of the Brooklyn Community Improvement Corporation'. **(SECOND READING)**

**Ord. #2019-5**, Amending various Rules of Council, Codified pursuant to Section 121.01 of the Codified Ords. of the City of Brooklyn. **MOTION** by Pucci, second by Paulitzky to adopt. **VOTE:** *To adopt:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier, Tanski, Paulitzky. No: None. **(ADOPTED)**

**Ord. #2019-7**, Establishing Ch. 746 of the Codified Ordinances of the City of Brooklyn to create housing protections for victims of domestic violence and affected landlords. **(SECOND READING)**

**Ord #2019-8**, Authorizing the Mayor to enter into a Service Agreement Renewal with Bailey Communications, Inc. to provide Technology Department Management for the City of Brooklyn. **(SECOND READING)**

**Ord. #2019-9**, Amending Sect. 351.03 "Prohibiting Standing or Parking Spaces" of the Codified Ordinances of the City of Brooklyn. The new part is "...in front of or within 12 inches from the widest part of the apron of..." a public or private driveway. **(FIRST READING)**

**Ord. #2019-10** (request suspension/adoption), Authorizing a Community Cost-Sharing Agreement with the NEORSF for the Telog Early Warning System-Brookpark Road Gauge Project. The cost is \$6,944. Mayor Gallagher gave some context behind this. It's for the area near Sam's Club, which has flooding problems. It's considered a 100-year flood plain (though it wasn't when it was built). We've worked with NEORSF and Sam's Club/Wal-Mart for long-term solutions to reduce this. This is an immediate solution to offer. It helps our safety forces know when an event is coming, where it's an early warning system that will flag when the flood is about to occur, prior to what we know now when the water is sitting two feet in the parking lot. The departments will get detections early on and be ready for response and get Sam's Club prepared to have their store or parking lot evacuated. They're in a two-year flood plain now, and the long-term solution is to hope to increase it to a 25-year flood plain, so they're not consistently getting the effects of the storms. This is a good temporary fix we were able to work with them on. **MOTION** by Pucci, second by Celcherts to suspend the rules. **VOTE:** *To suspend the rules:* Yes: Ryan Shockey, Celcherts, Pucci, Balbier,



MINUTES OF A REGULAR MEETING  
BROOKLYN CITY COUNCIL  
February 25, 2019

-6-

Tanski, Paulitzky. No: None. *To adopt:* Yes: Ryan Shockey, Celcherts, Pucci, Albier, Tanski, Paulitzky. No: None. **(ADOPTED)**

There being no further business, **MOTION** by Tanski, second by Ryan Shockey to adjourn. **VOTE:** *To adjourn:* Yes: Ryan Shockey, Celcherts, Pucci, Albier, Tanski, Paulitzky. No: None. **(ADJOURNED)**

Mary-Jo Banish, Clerk of Council  
Minutes approved: 3.11.19

Andy Celcherts, Council President Pro-Tem